

26. In December 1989, KOKS was again inspected by the FCC, Mrs. Karen Raines and Mr. Michael Moffit (Ex. 3, p. 14), who also conducted another investigation of KOKS blanketing interference (Ex. 6, p. 2). Mrs. Raines conducted the inspection of the station using standard FCC procedures and filled out the standard FCC inspection form (Ex. 5, p. 5; Ex. 6, p. 22). Mrs. Raines made a point of asking to see the station's public file and its list of donors, and the station did not receive any citations (Ex. 3, p. 14).

27. As part of their investigation of blanketing interference the FCC inspector visited the homes of: Mrs. Ted Adams; Mrs. William Gray; Mr. and Mrs. Jim Farley; Mr. and Mrs. Pat Smittle; Mr. and Mrs. Wayne Kearby; Mrs. Doris Smith; and Mr. and Mrs. Bill Hillis (Ex. 6, p. 2). At each residence reception was observed with KOKS on and off the air. The report noted that some complainants complained of ghosting on channel 15, but that this ghosting was not the result of KOKS transmissions (Ex. 6, p. 3). The report also noted that several complainants experienced intermittent interference on some channels, described as a "herringbone pattern" characteristic of two-way radio interference. The report noted that the highway patrol is authorized to operate KAA270 on 42 MHz, and that operation in this band is a source of intermittent interference to the television IF frequency.

28. In the report the FCC described TV reception when KOKS was both on and off the air, and the television equipment of each complainant. The Smiths, for example, had a fixed antenna oriented

toward Cape Girardeau and pointed directly at the KOKS tower with no filters in the line (Ex. 6, p. 5). The Smiths are noted as having a problem with the tuner on their set, especially with the reception of channel 8. With KOKS on the air channel 6 was blank; channel 8 was a TASO 5, with the picture described as very snowy because "... there is not enough signal for the television to tune to manually ..."; channels 12 and 15 are described as a TASO 3 picture, with KOKS audio coming in faintly in the background. With KOKS off the air channel 6 is described as a TASO 5, with "no picture, extremely snowy;" channel 8 as a TASO 4, with "extremely snowy, unwatchable picture;" and channels 12 and 15 as TASO 3, with 12 showing a "slight improvement" and channel 15 with the same description of the picture without the KOKS audio interference. The Smiths also complained of KOKS interference to their radio set, but also complained of KKLR interference on channel 8 (Ex. 6, p. 6). The report noted that the Smiths had filed a lawsuit against KOKS, and that Mrs. Smith wanted a "qualified engineer" to put a filter on her system--not Mr. or Mrs. Stewart. At the Hillis home the report noted that the Hillis' blamed KOKS for interference on channel 4 when received via satellite dish, even though the interference was the same with KOKS off the air (Ex. 6, p. 7). The description of Hillis' signals when KOKS was on the air showed that no picture was received on channels 6 and 8, and that channels 12 and 15 had a TASO 3 and TASO 4 picture, described as "decent but grainy picture" and "extreme ghosting," respectively. With KOKS off the air channel 6 was described as a TASO 3, with a "snowy

picture and no color;" channel 8 as a TASO 4, with a "very snowy picture;" and channels 12 and 15 as TASO 3 with notations of "little if any improvement" and "slightly better, extreme ghosting," respectively. The Hillis' also insisted that the station had not gone off the air because the stereo light had not gone off on their stereo set, but this was attributed to a malfunction in their stereo receiver. The Hillis' also received KOKS interference on their stereo radio.

29. The report on the visit to Mrs. Ted Adams noted that two-way radio interference from the highway patrol station across the street was observed on all channels, and that the TASO readings and notes on interference were the same when KOKS was on and off the air, with the exception of channel 6, which was not received when KOKS was operating and which was received with a TASO 3 picture when KOKS was on the air (Ex. 6, p. 9). Mrs. Smith also called when Mrs. Raines and Mr. Moffit were at the Smiths, claiming that KOKS had done something different because her reception on channel 8 was changed, but measurements showed that the KOKS signal had remained constant (Ex. 6, p. 10). The Farleys did not receive channel 6 at all with KOKS on the air, but only channel 12 reception improved from a TASO 3 to 2 with KOKS off air, but the interference to channel 12 when KOKS was on the air was described as intermittent two-way radio interference (Ex. 6, p. 11). All channels received intermittent two-way interference. The reception of channels 8 and 15 improved, compared to KOKS off the air, with the installation of an FM trap filter. Mr. Farley also noted that

the filter given to them last winter by KOKS didn't work then, but works now (Ex. 6, p. 12). Mrs. Gray reported interference from KOKS on the lower portion of her FM band, but was primarily concerned about the buzz on her AM band, which was present with KOKS off the air (Ex. 6, p. 13). On Mrs. Gray's TV set, with KOKS off the air she received a TASO 3 signal on channel 6, noted as only a "slight improvement" from when KOKS was on the air, improved from a TASO 4 to TASO 3 on channel 8, and actually had a better picture on channel 15 with KOKS on the air (Ex. 6, p. 13). The Smittles had exactly the same TASO readings for when KOKS was off the air and when it was on, and noted only that the TASO 3 picture went from no color to color when KOKS went off the air. Mr. and Mrs. Kearby were noted as having a set in poor repair, and the reception of any channel with KOKS on or off the air was noted as no better than a TASO 3 (Ex. 6, p. 15). Only one channel improved with KOKS off the air, and that was channel 12 which went from a TASO 3 with a notation of "grainy" to a TASO 2 with a notation of "good picture." The Penningtons did not receive channel 6 at all with KOKS either on or off the air, and went from a TASO 4 to a TASO 3 on channels 8 and 12, with herringbone patterns noted on channel 8 and snow on channel 12 noted comparing reception with KOKS on and off the air (Ex. 6, p. 16). Mrs. Smith and Mrs. Hillis raised a question of possible hazards living close to the radio tower, and Mrs. Hillis complained of swelling due to a metal plate in her arm (Ex. 6, p. 17). The report also noted that the Hillis' and Mrs. Smith called nearly every house the FCC inspectors visited

both before and after their visit, and that Mrs. Smith and Mrs. Hillis must have given the complainants an identical set of questions to ask, since the same questions were put to the FCC inspectors at every house in "almost identical words" (Ex. 6, p. 17). The report characterized the operation of KOKS as the source of "some interference to television reception" it also noted that "there are additional reasons for poor reception" (Ex. 6, p. 18). The report noted that KOKS had made no attempt to resolve interference to FM receivers, this "was not a major concern of the complainants." In only one home was there a specific station that could not be received due to KOKS interference.

30. By letter dated April 29, 1990 (MMB Ex. 24) the Commission prepared a list of complainants which it sent to Calvary, Mrs. Hillis and Mrs. Smith, which noted that "[w]e have as yet made no final determination on this case concerning the type of service interruptions that fall within the ambit of the Commission's blanketing rule" (MMB Ex. 24, p. 1). In October of 1990 Calvary received a letter from the FCC which categorized the complaints received into three categories, those in appendix A were to receive restoration of service at no cost, and those on the following two appendices were to receive technical assistance on how to correct their problems, at no cost (MMB Ex. 25, p. 3). Certain complaints, including those of: Sandra Durbin; Clyde and Mary Freeman; Mrs. William Gray; Elaine Libla; Leatha Piper; and, Mary Wynn, based on Calvary's representations in its responses on January 24 and February 24, 1989, were noted as "resolved" and no

further action needed to have been taken with respect to them. Calvary was ordered "satisfy all complaints of blanketing interference within 120 days of the date of this letter." Mrs. Stewart was aware that Mrs. Durbin and Mrs. Piper had filed other complaints since she reported their complaints cured (Tr. 539, 553), but that she thought they were satisfied when she reported that to FCC. Mrs. Stewart testified she "just missed additional complaints" (Tr. 553). Mrs. Stewart testified that "[I]t had been a hard year in 1989, and some of these (complaints) I just missed picking up" (Tr. 554). Mrs. Stewart did not specifically tell the FCC later of mistakes. KOKS responded by filing its response of February 11, 1991 which stated that a trap filter in most instances restored channel 6 from Paducah (MMB Ex. 26, p. 1), and noting that channel 8 was oriented in a different direction and that a rotor would be needed to turn the antenna south. Channel 15 was noted to be affected by Ghost Shadows which required the installation of a bow-tie or other antenna. Channel 12 was noted as having snow but a filter wouldn't help because of a weak signal.

31. KOKS noted that Mrs. Christian has a full tower and preamplifier and that Mr. Lampe only put on one filter because Mrs. Christian was remodeling and would be changing (MMB Ex. 26, p. 3). The report noted that Mrs. Christian called later and said that her filter wasn't working and that Mrs. Christian didn't feel the station was trying to find out about her problem. Calvary submitted a "report" which identified the number of filters installed and included a description of the reception after a

filter was installed. (See, e.g., MMB Ex. 26, p. 23.) The complainant, in many instances, signed the "report" (See, e.g., MMB Ex. 26, p. 4, 5, 6, 7, 8). Several of the complainants who later were to dispute that KOKS restored their reception signed these reports, such as: Marie Christian (noting that she asked for two extra filters) (MMB Ex. 26, p. 4); Thomas Crutchfield (MMB Ex. 26, p. 10); Michael Beckham (for his home, not his boarding house) (MMB Ex. 26, p. 22); Ted and Eileen Adams (noting that they received four filters) (MMB Ex. 26, p. 23). Mr. Garrison did not sign his report (MMB Ex. 26, p. 5), but KOKS reported that it had tried two filters on the set and that, although Mr. Lampe and Mrs. Stewart felt that reception was improved Mr. Garrison was dissatisfied and said that the reception got worse (MMB Ex. 26, p. 58). Calvary reported that the filters were removed. Mr. Beckham didn't sign the report for Whispering Oaks Boarding Home, and Calvary's report noted that they had a booster and preamplifier and that reception was "coming in good on one set" and Mr. Beckham asked them to leave a filter for a set he was going to replace (but Calvary would not because Calvary wanted to install the filters and observe the reception) (MMB Ex. 26, p. 56).

32. Calvary submitted another group of reports on February 25, 1991 (MMB Ex. 27, p. 1). A report was submitted describing the reception at the Hillis home and describing the visit (MMB Ex., 27, p. 2-3), as well as Mrs. Smith (MMB Ex. 27, p. 4-5), and reporting that neither was satisfied with Calvary's efforts. Similar reports were also filed describing what Calvary did and describing the

reception, including reports for: Cindy Diel (MMB Ex. 27, p. 10); Edward Hodgins (MMB Ex. 27, p. 21); Mr. and Mrs. Ellis (MMB Ex. 27, p. 51); and Daniel Denton (MMB Ex. 27, p. 80). Mrs. Diel and Mr. Hodgins signed the KOKS report, while Mrs. Ellis and Mr. Denton did not. The report for Mrs. Denton described a snafu where he was not home for a scheduled appointment and the person there, after calling Mr. Denton, did not allow KOKS personnel in the house (MMB Ex. 27, p. 81). Mr. Denton was also noted as having a booster, and that KOKS wrote him a letter providing him with technical advice (MMB Ex. 27, p. 80, 82). Counting the number of signed complaints, Exhibit 26 and 27 reveal that 89 of 103 complainants whose homes were visited by KOKS signed the report submitted to the FCC by KOKS, including one who signed by noting that the reception quality was "not the same as it was before the radio station went on the air" (MMB Ex. 27, p. 56.) In addition, these reports noted that nine complainants received more than one filter, including: Mr. Harrison (2) (MMB Ex. 26, p. 2); Mr. and Mrs. Adams (4) (MMB Ex. 26, p. 23); Randy and Elmer Soens (2 each) (MMB Ex. 26, p. 25, 26); Mrs. Ervin (2) (MMB Ex. 26, p. 28); Mr. Garrison (2, but removed) (MMB Ex. 26, p. 58); Mr. Hendrickson (2) (MMB Ex. 27, p. 13); Mr. Hecker (2) (MMB Ex. 27, p. 29); and Mr. and Mrs. Ellis (2) (MMB Ex. 27, p. 51). Joseph Harrison was one complainant visited by KOKS complaining of interference to channels 6 and 8. He testified that KOKS people came to his home, asked what the problem was, installed two filters and "the reception cleared right up" (Ex. 4,

p. 1). Mr. Harrison got "not a real good picture on 6, but channel 6 never came in well."

33. Calvary asked Charlie Lampe to assist in the resolution of these complaints by making home visits (Ex. 3, p. 14). Mr. Lampe had been KOKS' contract engineer since early February 1989, responsible for routine and special maintenance of the station's equipment, but not for any problems relating to blanketing interference (Ex. 1, Att. A). Mr. Lampe owns and operates "Charlie's TV Repair," selling TV sets and satellite systems and servicing and repairing television and radio sets, two-way radio receivers and satellite systems, for over 13 years (Ex. 1, p. 1). Mr. Lampe was, however, an independent businessman. He performed services for people in the blanketing contour but did not tell the station about the charges because he wished to keep his job for the station and his business separate (Tr. 237, 318). Mr. Lampe had both theoretical and "hands on" training in radio and television theory at Poplar Bluff high school and at Three Rivers Community College (Ex. 1, p. 1; Tr. 154). That training included discussion of blanketing interference, with pictorial representations of blanketing interference noted in his textbook (Tr. 154). Mr. Lampe had worked for A-1 Electronics for approximately five years and as the assistant manager of Montgomery Ward for another two years before opening his own business (Ex. 1, p. 1). Mr. Lampe served as a contract engineer for KJEZ-FM for approximately ten years before becoming the contract engineer for KOKS, and does engineering work

for Hunt Broadcasting, the licensee of an AM-FM combination in Piedmont, Missouri.

34. Mr. Lampe testified that TV reception, generally, is poor in the Poplar Bluff area, and he was often asked to install special equipment such as boosters, special antennas and filters on TV sets in the area (Ex. 1, p. 2). Because channel 6 is located far away and the station doesn't put a grade B signal anywhere near Poplar Bluff, reception of the signal is marginal and the signal is subject to co-channel interference from channel 6 in Mountain Home, Arkansas. Many people in Poplar Bluff also orient their antennas away from channel 8. Channel 12 also puts a weak signal over Poplar Bluff.

35. Mr. Lampe also has had some experience with FM blanketing interference due to his television repair business (Ex. 1, p. 2) and in responding to complaints of blanketing interference from KKLR-FM in Poplar Bluff (Tr. 179), where he responded to more than 10 homes which had experienced blanketing interference on their TV sets (Tr. 306-07). Mr. Lampe also responded to 15-20 service calls in the KOKS blanketing contour concerning blanketing interference (Tr. 238). In addition to his classroom training, most television repair manuals contain an explanation of FM blanketing and have a picture or drawing of the distinctive pattern FM blanketing interference shows itself by on a television screen (Tr. 187). Mr. Lampe testified that blanketing interference usually blanks out the channel completely or shows in the picture as zig-zag or herringbone lines running from the top to the bottom of the picture

(Ex. 2, p. 2-3). Mr. Lampe testified that many of the homes in the area close to the KOKS tower are subject to interference from the Missouri highway patrol's two-way radio station located about a mile from the KOKS tower. This interference looks like FM blanketing interference except that it is intermittent occurring only when the highway patrol is transmitting. Because the IF beat frequency of the television set is 45 mHz, TV sets in the area are subject to interference caused by the combination of KOKS' frequency (89.5 mHz) and the highway patrol frequency (42.06 mHz) (Ex. 2, p. 4). Because the KOKS signal is stronger, the KOKS audio is heard rather than the highway patrol transmissions. Mr. Lampe testified that many viewers in the area complained of receiving interference from the highway patrol and receiving highway patrol transmissions in their TV sets (Ex. 1, p. 3). Mr. Ramage also testified as to the existence of this "sum and difference interference within the blanketing area, and, specifically within certain homes which he visited, including Mrs. Smith (Tr. 876), Mrs. Hillis (Tr. 882) and another home in the trailer court owned by the Hillis (Tr. 879). "Ghosting" in a TV picture is not the result of FM blanketing interference, and neither is what most people describe as "snow," a grainy or snowing picture (Ex. 2, p. 3).

36. Mr. Lampe's help was expensive for Calvary, costing \$2,100 (Ex. 3, p.14). Even though Calvary did not believe that it was legally responsible for curing interference to channel 6, it asked Mr. Lampe to find a filter which would work for channel 6.

Mrs. Stewart's experience was that the 0-75 filter helped with some people, but not with others, and Mr. Lampe found a filter cut to take out only 89.5 mHz and after a test, Calvary ordered 160 filters (Ex. 3, p. 15). The manufacturer told Mr. Lampe that the filters suppressed the 89.5 frequency by 60 db (Tr. 257). Sixty db, according to the FCC, is near perfect. These filters were not an off the shelf item and had to be specially ordered from the factory. The manufacturer required payment in advance, and Calvary only had enough cash for 160 filters (Ex. 3, p. 15; Tr. 490) and to pay Mr. Lampe (Ex. 2, p. 8).

37. All home visits were made in February of 1991 (Ex. 3, p. 15). Mrs. Stewart called and made an appointment for each house and in most instances three people made the visit, Mr. and Mrs. Stewart and Mr. Lampe. Before the visit to Mrs. Smith's house Mr. Stewart had a stroke and did not visit any houses after that (Tr. 376-377). Mr. Lampe did all the work, Mrs. Stewart introduced the group, and Mr. Stewart served mostly as an observer. Mrs. Stewart was not aware of any limitation on the number of filters to be installed or on a limit of sets to be repaired. Mr. Stewart told Mr. Lampe to use only one filter per set because he feared there might not be enough filters to go around (Ex. 1, p. 9). More than one filter was used per set at a number of homes including the Adams' and the Ellis'. Mr. Stewart also told Mr. Lampe not to install filters on portable sets, defined as "anything with rabbit ears or a handle" (Tr. 260). Mr. Stewart believed portable sets were "mobile receivers" and were thus excluded (Tr. 260-261).

Mr. Lampe did, however, perform work on a number of portable sets (Tr. 261). Mr. Stewart testified that he told Mr. Lampe to use only one filter because he didn't know if there were enough filters to go around and had an FCC deadline to meet (Ex. 2, p. 9). Mr. Stewart never asked counsel for a definition of "mobile receivers" (Tr. 757-758), and found out that Mrs. Stewart was installing filters on portable TV sets since 1988 (Ex. 2, p. 9). Calvary did not refuse to repair any radio receivers when the complainant noted problems with their radio, but complainants did not mention problems with their radio.

38. Mrs. Smith was one of the first people to complain to the station, calling the station on the first day of station operation (Tr. 907). Before the station went on the air Mrs. Smith testified that she received channels 8 and 12 without interference, and that channel 6 had "a little snow" and during stretches of bad weather could not be received at all (MMB Ex. 2, p. 1). They could not receive channel 15 on their Magnavox set, but could on their portable Sony. Mrs. Smith testified that once KOKS came on the air that channel 6 and 8 did not come in at all, and there was snow and zig-zag lines on both channel 12 and 15. On November 10, 1988 Mr. Stewart visited the Smith home and tried to install a filter on the Smiths' two TV's (Ex. 2, p. 4; MMB Ex. 2, p. 3). Channel 6 reception was not improved at all, which was Mrs. Smith's main complaint, and only made slight improvements on the other channels (Ex. 2, p. 4). Calvary also learned that Mr. Abernathy had visited the Smith home but had not done anything. Mrs. Stewart testified

that she called Mrs. Smith on November 29, 1988 and asked her if she would try a filter on her outside antenna, and she said that she wouldn't because the Smiths were purchasing a new antenna (Ex. 3, p. 16-17). Mrs. Smith said she would call back, but didn't, so Mrs. Stewart called again to ask if Calvary could install a filter on her outside antenna (Ex. 3, p. 17). Mrs. Smith refused because her husband didn't want Calvary personnel on their roof. Subsequently a suit was filed and the Smiths said that they didn't want Calvary personnel on their property until the suit was settled. Mr. Lampe testified that Mrs. Smith called him up several times asking for advice and complaining mostly that she couldn't get channel 6 (Ex. 1, p. 7). Mr. Lampe recalled that Mrs. Smith's and Mrs. Hillis' neighbors called for advice, and that the primary, often only complaint, was the reception of channel 6. Mrs. Smith and Mrs. Hillis made many, many telephone calls to the field office in Kansas City about there complaints and spoke primarily with Karen Raines (Tr. 927-28). After a while Mrs. Smith and Mrs. Hillis started calling Washington about once a month with complaints (Tr. 940, 943).

39. The Smith home was visited again on February 18, 1991 by Mrs. Stewart and Mr. Lampe. Mrs. Stewart was asked if she were carrying a tape recorder, and, if so, asked to leave it outside (Ex. 3, p. 17). Mrs. Hillis was there as well (Ex. 1, p. 10). Mr. Lampe testified that Mrs. Smith followed Mr. Lampe around, "badgering him," asking him questions, stating that "that doesn't look better at all," and "generally acting unreasonably." Mrs.

Smith complained that she couldn't get channel 8 very well, but her antenna is a fixed antenna which is oriented toward channels 6 and 12 and away from channel 8. When Mr. Lampe turned on the set channel 15 came in terribly and the other channels not at all. Mr. Lampe determined that the antenna lead wire was not hooked up properly (Ex. 1, p. 10). The Smith TV set was not hooked up to anything (Tr. 262). Channel 12 improved immediately after the antenna lead wire was hooked up, but she was still not able to get channels 6 and 8. Mr. Lampe tried a 89.5 trap filter on the lead wire, but was unhappy with the result. The flat lead wire was changed to coax and the reception on channel 12 and 15 was good, but channel 6 was not good. Mr. Lampe got on the roof and turned the antenna toward channel 8, but the reception was not good. The antenna was left the way it was (Ex. 1, p. 11). The reception on channel 15 was subject to ghosts, created by the fact that the antenna was directional and oriented away from channel 8. Mr. Lampe testified that the snow observed on channels 6, 8 and 12 was not the result of FM blanketing because there was not the herringbone pattern distinctive of blanketing interference (Ex. 1, p. 11; Tr. 266). At almost every home Mr. Stewart would turn up the sound on channel 6 to determine if KOKS audio could be heard, and there was no KOKS audio on the TV (Ex. 1, P. 11; Ex. 3, p. 17). Mr. Lampe didn't remember anyone asking for repairs to radio sets or other TV sets. The next day Mrs. Smith called and reported that she was receiving KOKS audio on channel 8 (Ex. 3, p. 17). Mrs. Stewart called Mr. Lampe and he told her all Mrs. Smith needed to

do was tune in channel 8 properly. When Mrs. Stewart called Mrs. Smith to report this, Mrs. Smith replied that the TV was tuned properly and this proved that the station's filters didn't work (Ex. 3, p. 18). Mrs. Smith testified that she asked if filters could be put on her other TV's and radios and was told by the Stewarts and Mr. Lampe that they only had to fix one set per residence in accordance with FCC policy (MMB Ex. 2, p. 4).

40. Mrs. Stewart first spoke to Mrs. Hillis in November 1988 when she called to complain about interference to a pay phone in her trailer court, and Mrs. Hillis was told to check with the phone company for a filter (Ex. 3, p. 18). Mrs. Hillis testified that Mrs. Stewart told her that they were having a problem with the station's equipment and that they were trying to get it fixed (Tr. 997). Mrs. Hillis testified that she had three working television sets, all three of which are connected to a satellite and two are also connected with a rooftop antenna. A third TV has rabbit ears (MMB Ex. 3, p. 2). Mrs. Hillis testified that before KOKS came on the air that she could see and hear channels 12 and 15 clearly and that the reception on channels 6 and 8 was also very good, except when bad weather affected reception. Mrs. Hillis described the sound as excellent and FM reception in her home as good. She also testified that once KOKS went on the air channel 6 was lost completely and she heard KOKS audio, channel 12 became snowy with wavy lines, and faint KOKS audio, and there was a fairly clear picture on channel 15, although the color would be lost and there would be wavy lines. All these problems would clear up when

KOKS went off the air. During November and December Mrs. Hillis called several times to complain of interference to her reception of channel 6 (Ex. 3, p. 18). Mrs. Stewart testified that she asked Mrs. Hillis twice if she wished to make an appointment to have a filter installed and each time Mrs. Hillis refused telling Mrs. Stewart that "your filters don't work" (Ex. 3, p. 18). In one of the calls Mrs. Stewart told Mrs. Hillis that there was a filter that might work, but the filter was then unavailable (Tr. 513). When the Hillis' joined the lawsuit against Calvary, Calvary's local counsel advised against any contact with the Hillis'. Despite that advice Mrs. Stewart asked Mr. Lampe to accompany her to the Hillis' home in March of 1989. Only Mr. Hillis was home, and he had complaints about interference about practically everything, including his TV picture on the main TV and on a small portable, about a tape player and a telephone in the kitchen (Ex. 3, p. 18), although Mr. Lampe doesn't remember any mention of radios (Ex. 1, p. 6). Finally Mr. Lampe asked him to take a piece of paper and write down a list of his complaints because in his experience someone who didn't prepare such a list would call you up the next day with a new problem (Ex. 1, p. 6). Mr. Lampe told him that the station would try to correct the problem. Mr. Hillis promised to do so, but never sent the list. Mrs. Stewart called a few months later to ask for the list, but never received it.

41. Mrs. Stewart and Mr. Lampe visited the Hillis home on February 22, 1991 (MMB Ex. 27, p. 2). Mr. Lampe noted that the antenna lead wire in the conductors was discolored as the result of

a lightning strike (Ex. 1, p. 11). When the antenna wire is blackened the flow of signal through the wire is impeded and the antenna connection doesn't work properly (Tr. 270). When the installation of a trap filter didn't prove satisfactory Mr. Lampe put coax on the line from the antenna to the window. While Mrs. Stewart and Mr. Lampe were there, there was some noticeable interference that came and went. The Hillis' said that it was from the highway patrol, which is located right across the street. Mrs. Stewart and Mr. Lampe testified that when they left, channel 12 had noticeably improved; channel 6 had snow and lines; channel 15 was coming in with shadows, and channels 23 and 39 were coming in with snow. KOKS was not coming in on the channel 6 audio (Ex. 3, p. 19). Mr. Lampe testified that the continuing reception problems, such as snow and rolling lines in channel 6, were not the result of interference from KOKS, but co-channel interference from channel 6 in Arkansas (Ex. 1, p. 12; Tr. 280-81). Mrs. Hillis testified that the installation of a filter on her TV set made no difference in reception, and that Mrs. Stewart said they were only obligated to fix one TV (MMB Ex. 3, p. 4). Mrs. Hillis also testified that Mrs. Stewart and Mr. Lampe told her that she had to buy filters for her other TV's and radios, which she testified that she asked about, but the station would not do it. Mrs. Hillis also testified that the set with the filter received channel 6 and the video on the other channels was improved if not, in Mrs. Hillis mind, as good as before KOKS came on the air. Mrs. Hillis testified that within a few days of the visit by KOKS personnel all

the channels, except channel 6, deteriorated and that she phoned the station to report that the filter didn't work (MMB Ex. 3, p. 5). Mrs. Hillis testified that Mrs. Stewart told her that the station had done all it was obligated to do. Mrs. Hillis also testified that there were problems after Mr. Lampe worked on the TV, and that another TV repairman came out and fixed her set (Tr. 1011).

42. Mrs. Diel submitted a complaint to the FCC and was called by Mrs. Stewart in January 1989 (Ex. 3, p. 20). She was complaining of problems to channel 6. Since Mrs. Stewart believed that the station did not have to cure channel 6 problems she was informed of a filter that might help. In February 1991 Mr. Lampe and Mrs. Stewart visited Mrs. Diel, who lives in the trailer park right across from the Highway Patrol. Mrs. Diel didn't mention any other TV set or any radios. Mr. Lampe put a filter on her set and that seemed to improve reception on channel 6. Channel 6 still had no color, however. Channels 12, 15 and 39 were coming in well. Channel 8 was coming in with some snow, but her antenna was pointed the wrong way for channel 8 reception.

43. Mrs. Wynn testified that she owned one television set before KOKS went on the air, and obtained a portable set in 1991 (MMB Ex. 10, p. 2). Before KOKS came on the air Mrs. Wynn testified that she received channels 6, 8, 12, and 15, and listened to KKLR on the radio (MMB Ex. 10, p. 2), although in a rural area reception would occasionally deteriorate (Tr. 643-644). After KOKS began broadcasting, Mrs. Wynn could not receive channels 6 or 8 at

all, and her reception on channels 12 and 15 was poor. Her reception would return when KOKS went off the air at 6:00 p.m. Mrs. Stewart went to Ms. Wynn's home in January of 1989 and put a filter on her set which improved everything but channel 6 (Ex. 3, p. 20). When KOKS reported to the FCC in January of 1989 that Mrs. Wynn's interference complaint was resolved, Mrs. Stewart meant that she was receiving all her local TV signals well, but not channel 6, which is not a local signal and which Mrs. Stewart believed that she didn't have to protect from interference. Mrs. Wynn testified that the filter helped at first but after about six hours the reception became poor again (MMB Ex. 9, p. 3). Mrs. Wynn also complained of problems with her radio and Mrs. Stewart installed a choke filter on the radio which Mrs. Stewart believed improved it (Ex. 3, p. 20). Mrs. Wynn testified that the choke filter did nothing (MMB Ex. 10, p. 3). In April of 1989 KOKS made another visit to Mrs. Wynn's home to install a trap filter (Ex. 21, p. 19; Tr. 536). Calvary reported to the FCC that after the installation of the filter reception on 8, 12 and 15 was "very good" but that channel 6 did not come in and Mrs. Wynn was "dissatisfied with the result" (MMB Ex. 21, p. 19, 81). Mrs. Wynn does not recall a second visit in 1989 and disagrees with any characterization that her reception on channels 8, 12 and 15 was "very good" (MMB Ex. 10, p. 3), and then testified that KOKS came to her house only twice, including the visit in 1991 (Tr. 655). However, Mrs. Wynn had a microwave notch filter with her, which she claimed was installed by A-1 Electronics (Tr. 656-57). Sometime in the Spring of 1991

Mrs. Wynn called the station and asked Mrs. Stewart to pay for a filter that she had bought for her TV. Mrs. Stewart told her that the station would give her a filter, according to Mrs. Stewart, on the assumption that Mrs. Wynn could return the filter and get her money back (Ex 3, p. 20). Mrs. Wynn does not recall mentioning her radio to Mrs. Stewart in 1991 (Tr. 662). Mrs. Stewart installed the filter in the splitter going to two TV's which, Mrs. Stewart testified, seemed to satisfy Mrs. Wynn. Mrs. Wynn didn't ask Mrs. Stewart to pay for the filter when she visited the home (Ex. 3, p. 21). While Mrs. Stewart didn't offer to pay for the service call, she didn't know that the filter had been installed on the TV set pursuant to a service call (Tr. 657-658).

44. Mrs. Stewart twice visited to the home of Mrs. Leatha Piper, the first time in January of 1989 when a string filter was installed on her TV (Ex. 3, p. 21). According to Mrs. Stewart, this filter improved reception on channel 15 a great deal, but didn't do much for channel 6. When KOKS reported in January 1989 that her interference problem was cured, Mrs. Stewart meant that Mrs. Piper received all the channels that Mrs. Stewart believed the rules entitled her to receive because channel 6 is not a local channel. A second home visit occurred on April 27, 1989, when Mrs. Stewart installed a 75 ohm FM trap on Mrs. Piper's TV. Mrs. Stewart testified that this filter improved the reception on channels 8, 12 and 15 to the point where it was very good. Channel 6 came in, but not very well, and Mrs. Piper was not satisfied because of the continued problems with channel 6 (Ex. 3, p. 21).

45. Mr. Lampe visited Mrs. Piper's home in late July 1989 in response to a service call in his TV repair business, and went to her home four or five times to repair a TV set she purchased from another store (Ex. 1, p. 12). She finally purchased a set from Mr. Lampe and asked him to improve reception (Ex. 1, p. 13). Channels 8, 12, 15 and 23 were subject to bad snow, but the interference was not blanketing interference. Channel 6 was subject to blanketing interference. To improve reception on all channels, and on 23 which Mrs. Christian wished to watch, Mr. Lampe installed a line booster. The booster increased the interference to channel 6, however.

46. Mrs. Stewart visited the home of Mrs. Libla on February 21, 1989, found that Mrs. Libla had an antenna and a satellite system, and installed a 75 ohm filter on her TV set. Mrs. Stewart testified the TV reception was much improved and that Mrs. Libla could even get channel 6, but without channel 6 color (Ex. 3, p. 21). A second TV did not get channel 6 even after a filter was installed (MMB Ex. 21, p. 14). When Mrs. Stewart left the home she seemed, to Mrs. Stewart, satisfied. When Mrs. Stewart reported that Elaine Libes' problems were cured in February 1989, she meant Elaine Libla, and testified that the name on the petition was hard to read. Mrs. Stewart believed that Mrs. Libla's problems were cured because she was receiving all her local television signals, and seemed satisfied with the result. Mrs. Stewart testified that a short time after her visit, Mrs. Libla called the station to report that she had discovered that the problem with her TV

reception to her satellite was due to the box in their satellite, not KOKS, which she had repaired. Mrs. Libla never contacted the station again.

47. Mrs. Stewart spoke with Mrs. Gray on February 16, 1989 and she said she was having problems with channels 6, 8, and 12. Mrs. Stewart made an appointment to go to her house and installed a filter (Ex. 3, p. 22). Mrs. Gray had two TV sets, both of which received channel 12 and 15 well (MMB Ex. 7, p. 2). Channel 6 came in not as clearly on both sets, and channel 8 was the weakest signal. When KOKS came on the air Mrs. Gray lost channels 6 and 8 and noticed a deterioration in channels 12 and 15. KOKS audio also came in on her radio. According to Mrs. Stewart, the reception on all her TV channels improved, except for channel 6, improved (Ex. 3, p. 22). Except for channel 6 she seemed satisfied when Mrs. Stewart left. Again, Mrs. Stewart reported Mrs. Gray's problems satisfied because she was receiving all her local TV signals, except channel 6, and seemed satisfied with the result. Mrs. Gray never called the station again. She did however, submit more complaints to the FCC, including one dated February 23, 1989 (MMB Ex. 7, p. 9); June 7, 1989 (MMB Ex. 7, p. 12); and, March 18, 1991 (MMB Ex. 7, p. 15).

48. Mr. Edward Hodgins lives about two miles from the transmitter site and before KOKS began broadcasting he received channels 6, 8, 12, and 15 with a clear picture (MMB Ex. 8, p. 2). When KOKS began broadcasting his television reception was "affected in a negative way" as was his radio reception. Mr. Hodgins filed

a complaint with the FCC in February 1989 that KOKS had made three appointments to come to his home and did not keep them, despite the fact that he was at home (MMB Ex. 8, p. 2). Mrs. Stewart testified that she spoke with Mr. Hodgins in October or November of 1988 (Tr. 1079), and that she had several conversations with him concerning a convenient time to visit his home (Tr. 1080). From his directions to his home, and from him telling her how far he lived from the KOKS tower, Mrs. Stewart believed Mr. Hodgins lived beyond the blanketing contour (Tr. 1080). A mutually convenient time was never found, so Mrs. Stewart told him of a filter that might work that could be purchased at Radio Shack. KOKS reported this to the FCC (MMB Ex. 18, p. 2). There is no evidence that Calvary received any further complaint from Mr. Hodgins, including the petition he signed on February 26, 1989 (See MMB Ex. 17, 18, 19 and 21). KOKS personnel visited Mr. Hodgins on February 12, 1991 and installed a notch filter (Ex. 27, p. 21).

49. Three different Freemans, Clyde, Mary and Clara, signed petition complaints. The first complaint was from Mr. Freeman, the second from Mary Freeman (Ex. 3, p. 22), his daughter (Tr. 963), and the third from Clara Freeman (Ex. 3, p. 22), Clyde Freeman's wife (Tr. 962), causing some confusion (Ex. 3, p. 22). Mrs. Stewart went to the Freeman home on November 11, 1988 after speaking to Mr. Freeman on the telephone the day before (Ex. 3, p. 23). A filter was installed on a small TV in a bedroom. Mrs. Stewart testified that there was another TV in another room, and asked for and was given a filter to install on that set.

Mr. Freeman was an engineer in the service and said he knew how to install the filter (Tr. 543). Mrs. Stewart testified that he complained of interference to channel 6, and the filter helped reception on all channels except channel 6. When Mrs. Stewart reported to the FCC that Mr. Freeman's complaint was cured, she meant that he was receiving all local channels that she believed the station was required to correct, excluding channel 6. Mrs. Stewart talked to Mr. Freeman again in early January of 1989, and told him about the new 0-75 filters the station was trying, but which were not then available. Mrs. Stewart spoke with Mr. Freeman about making an appointment to install the new filter when they came in, and Mr. Freeman told Mrs. Stewart that on some days there was no interference, but on some days it was quite bad. Mr. Freeman called the station several times after that but each time he called Mrs. Stewart could not go to their house that day and they could never agree on a time when Mr. Freeman was home and Mrs. Stewart could get away (Ex. 3, p. 23). After a while Mr. Freeman stopped calling the station. Mr. Freeman had died (MMB Ex. 6, p. 2), but this was not known by Mrs. Stewart. Mrs. Freeman testified that before KOKS came on the air channel 6 was the weakest signal, and channels 12 and 15 were clear and strong (MMB Ex. 6, p. 2). The Freemans did not watch channel 8. After KOKS came on the air channel 6 was eliminated and the other channels were affected. Mrs. Freeman believes that her husband called the station to report their complaints, and that KOKS came to their home at least twice, once in early 1989 and once in the spring or